

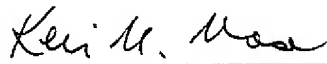
Doc Code: AP PRE REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents P O Box 1450 Alexandria VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	10/636,161	August 7, 2003	
	First Named Inventor	Sarraf et al.	
	Art Unit	Examiner	
	2616	Phuongchau Nguyen	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s) Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)		Kevin M. Mason Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record Registration number 36,597		203-255-6560 Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____		September 14, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P O Box 1450 Alexandria VA 22313-1450

If you need assistance in completing the form call 1-800-PTO-9199 and select option 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicant(s): Sarraf et al
Case: 34-20
Serial No : 10/636,161
Filing Date: August 7, 2003
Group: 2616
10 Examiner: Phuongchau Nguyen

Title: Method and Apparatus for Multi-Stream Transmission with Time and Frequency
Diversity in an Orthogonal Frequency Division Multiplexing (OFDM)
Communication System

15

MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

20

Mail Stop AF
Commissioner for Patents
P.O Box 1450
25 Alexandria, VA 22313-1450

Sir:

30

In response to the outstanding final Office Action dated June 14, 2007, Applicants submit this Pre-Appeal Brief. The present invention and prior art have been summarized in Applicants' prior responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

35

The present application was filed on August 7, 2003 with claims 1 through 18. Claims 1 through 18 are presently pending in the above-identified patent application. Claims 1-5, 7-14, and 16-18 are rejected under 35 U.S.C. §102(e) as being anticipated by Sinha (United States Patent No. 6,292,917). The Examiner indicated that claims 6 and 15 would be allowable.

if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Arguments

Independent Claim 1

Independent claims 1 and 10 are rejected under 35 U.S.C. §102(e) as being anticipated by Sinha. Regarding claim 1, the Examiner asserts that Sinha discloses allocating a unique frequency partition to each of said sub-streams (102 & 104 L, 102 & 104 U - FIG. 2) for a plurality of consecutive time slots (FIGS. 1 and 2; col. 2, line 55; col. 3, line 22; col. 3, line 60, to col. 4, line 7); and allocating a unique time slot to each of said plurality of sub-streams (col. 3, line 22; col. 3, line 60, to col. 4, line 7; col. 5, lines 7-16). In the final Office Action, the Examiner asserts that the channels may correspond to different bands, timeslots (FIGS. 1 and 2; col. 3, lines 5-6, and col. 6, lines 24-26).

In the text cited by the Examiner, Sinha mentions *time slots, code division multiple access (CDMA) slots, and virtual connections* (col. 3, line 60, to col. 4, line 13) and briefly mentions *channels* (col. 5, lines 7-23). Applicants, however, could find no disclosure or suggestion by Sinha of allocating *unique frequency partitions and unique timeslots*. In particular, Sinha does *not* disclose or suggest allocating a *unique frequency partition* to each of the sub-streams for a plurality of consecutive time slots; *and* allocating a *unique time slot* to each of the plurality of sub-streams. Independent claims 1 and 10 require allocating a *unique frequency partition* to each of said sub-streams for a plurality of consecutive time slots; and allocating a *unique time slot* to each of said plurality of sub-streams.

Thus, Sinha does not disclose or suggest allocating a unique frequency partition to each of said sub-streams for a plurality of consecutive time slots; and allocating a unique time slot to each of said plurality of sub-streams, as required by independent claims 1 and 10.

Claims 9 and 18

Claims 9 and 18 are rejected under 35 U.S.C. §102(e) as being anticipated by Sinha. In particular, the Examiner asserts that Sinha discloses wherein a unique time slot is allocated to each of said sub-streams by introducing a delay between each of said sub-streams
5 (col. 2, line 58, to col. 3, line 20; col. 9, lines 48-60).

In the text cited by the Examiner, Sinha teaches, for example, that

10 in an illustrative embodiment, interference characteristics are determined for a set of n channels to be used to transmit audio information bits, where n is greater than or equal to two. The audio information bits are separated into n classes based on error sensitivity, for example, the impact of errors in particular audio data bits on perceived quality of an audio signal reconstructed from the transmission. The classes of bits are then assigned to the n channels such that the classes of bits having the greatest error sensitivity are transmitted over the channels which are the least susceptible to interference. The interference
15 characteristics associated with the n channels can be determined by, for example, measuring interference levels at different times and locations for one or more of the channels, or obtaining information regarding known interference levels for one or more of the channels. *The channels may correspond to different frequency bands, time slots, code division slots or any other type of channels. The channel properties may also change with factors such as time and location within a coverage area.*

20 In accordance with another aspect of the invention, the assignment of the classes of bits to the channels, as well as the characteristics of the classes and the channels, may be fixed or dynamic. For example, in applications in which the interference characteristics associated with one or more of the channels vary as a function of time, position within a coverage area, or other factors, the assignment of the classes of bits to the channels can be varied so as to ensure that the classes of bits having the greatest error sensitivity continue to be transmitted over the channels which are least susceptible to interference. As another example,
25 amounts of channel resources used for particular classes of audio information bits can vary as a function of time

30 (Col. 2, line 58, to col. 3, line 22; emphasis added.)

Applicants could find *no* disclosure or suggestion in Sinha of a *unique time slot that is allocated to each of the sub-streams by introducing a delay between each of the sub-*
35 *streams*

Thus, Sinha does not disclose or suggest wherein a unique time slot is allocated to each of said sub-streams by introducing a delay between each of said sub-streams, as required by claims 9 and 18.

Dependent Claims 2-9 and 11-18

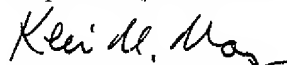
5 Dependent claims 2-5, 7-9, 11-14, and 16-18 were rejected under 35 U.S.C. §102(e) as being anticipated by Sinha.

10 Claims 2-9 and 11-18 are dependent on claims 1 and 10, respectively, and are therefore patentably distinguished over Sinha because of their dependency from independent claims 1 or 10, for the reasons set forth above, as well as other elements these claims adds in combination to their base claim. The Examiner has already indicated that claims 6 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

All of the pending claims, i.e., claims 1-18, are in condition for allowance and such favorable action is earnestly solicited.

15 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated

20 Respectfully submitted,

Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
25 Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

Date: September 14, 2007